

AMENDED IN ASSEMBLY AUGUST 23, 2004

AMENDED IN SENATE MAY 6, 2004

AMENDED IN SENATE APRIL 29, 2004

**SENATE BILL**

**No. 1215**

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**Introduced by Senator Morrow**

**(Coauthor: Senator Denham)**

(Coauthors: Assembly Members Bates, Dutton, Harman, Houston,  
Pacheco, and Wolk)

February 11, 2004

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An act to add Section 712.5 to the Fish and Game Code, relating to  
wildlife resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1215, as amended, Morrow. Department of Fish and Game *and  
Department of Parks and Recreation: Public Resources Account and  
Environmental License Plate Fund appropriations.*

~~Under~~

(1) *Under* existing law, the Tobacco Tax and Health Protection Act of 1988, as added by Proposition 99, establishes the Cigarette and Tobacco Products Surtax Fund and authorizes moneys in the fund to be appropriated for specified purposes. Existing law establishes 6 separate accounts in that fund, including, among others, the Public Resources Account. Existing law requires the Public Resources Account to be available for appropriation only in equal amounts for both programs to protect, restore, enhance, or maintain fish, waterfowl, and wildlife habitat on an equally funded basis and programs to enhance state and local park and recreation resources.

~~This bill would, beginning January 1, 2006, make the Department of Fish and Game the only state agency designated to use the funds made available commencing July 1, 2005, transfer any moneys appropriated from the Public Resources Account in the Cigarette and Tobacco Products Surtax Fund for programs to protect, restore, enhance, or maintain waterfowl waterfowl habitat, to the Department of Fish and Game for expenditure for those same purposes.~~

(2) Existing law establishes the California Environmental License Plate Fund, and authorizes the balance of the moneys in the fund, after the payment of administrative costs, to be available upon appropriation for expenditure only for specified exclusive trust purposes.

*This bill would, commencing July 1, 2005, transfer any moneys appropriated to the Department of Fish and Game from the California Environmental License Plate Fund, in an amount not to exceed the amount transferred to the Department of Fish and Game pursuant to (1), to the Department of Parks and Recreation for expenditure for those exclusive trust purposes.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares the  
2 following:

3 (a) California is the winter home to more than 60 percent of the  
4 migratory waterfowl of the Pacific Flyway, yet 90 percent of the  
5 wetland habitat for these waterfowl is destroyed or adversely  
6 impacted.

7 (b) The loss of wetland habitat in California has resulted in a  
8 decline in migratory waterfowl populations.

9 (c) The significant loss of this unique habitat type has also  
10 resulted in dramatic declines in many other fish and wildlife  
11 species and has contributed to the listing of over one-half of  
12 California's threatened or endangered species.

13 (d) In 1986, to address the decline of North American  
14 waterfowl populations, the federal governments of the United  
15 States, Mexico, and Canada agreed to implement the North  
16 American Waterfowl Management Plan. When the plan was  
17 established, it identified the seven most important waterfowl  
18 habitat regions throughout North America that were in greatest



1 need of wetland restoration. California's Central Valley was one  
2 of these initial seven priority areas. To carry out the purposes of  
3 this plan and address the decline of waterfowl habitat in  
4 California's Central Valley, the state and federal resource agencies  
5 joined with private conservation groups and established the  
6 Central Valley Habitat Joint Venture. More recently, the San  
7 Francisco Bay Joint Venture and the Intermountain West Joint  
8 Venture were similarly established to address the significant  
9 habitat loss in other areas of the state.

10 (e) The California Department of Fish and Game is a partner in  
11 each of these joint ventures and is the lead state resource agency  
12 in California's wetland and waterfowl conservation effort. The  
13 department has the staff expertise and programs in place to best  
14 deliver waterfowl conservation for the state.

15 (f) The Tobacco Tax and Health Protection Act of 1988 was  
16 approved by the voters as Proposition 99. Among other things, that  
17 act created a Cigarette and Tobacco Products Surtax Fund in the  
18 State Treasury. The fund consists of six separate accounts,  
19 including the Public Resources Account, which makes funding  
20 available in equal amounts to both programs that protect, restore,  
21 enhance, or maintain fish, waterfowl, and wildlife habitat on an  
22 equally funded basis and programs that enhance state and local  
23 park and recreation resources.

24 (g) Because the department has statutory powers relating to  
25 protecting, restoring, enhancing, and maintaining fish, waterfowl,  
26 and wildlife habitat, the department should be the sole agency to  
27 expend funds in the Public Resources Account for programs  
28 relating to those purposes.

29 SEC. 2. Section 712.5 is added to the Fish and Game Code,  
30 to read:

31 ~~712.5.—Beginning January 1, 2006, the department is the only~~  
32 ~~state agency designated to use the funds made available, pursuant~~  
33 ~~to subparagraph (A) of paragraph (5) of subdivision (b) of Section~~  
34 ~~30122 of the Revenue and Taxation Code, from the Public~~  
35 ~~Resources Account in the Cigarette and Tobacco Products Surtax~~  
36 ~~Fund for programs to protect, restore, enhance, or maintain~~  
37 ~~waterfowl.~~

38 712.5. (a) Commencing July 1, 2005, any moneys  
39 appropriated from the Public Resources Account in the Cigarette  
40 and Tobacco Products Surtax Fund for programs to protect,

1 *restore, enhance, or maintain waterfowl habitat pursuant to*  
2 *subparagraph (A) of paragraph (5) of subdivision (b) of Section*  
3 *30122 of the Revenue and Taxation Code, shall be transferred to*  
4 *the department for expenditure for those same purposes.*

5 *(b) Commencing July 1, 2005, any moneys appropriated to the*  
6 *department from the California Environmental License Plate*  
7 *Fund described in Section 21191 of the Public Resources Code, in*  
8 *an amount not to exceed the amount transferred to the department*  
9 *pursuant to subdivision (a), shall be transferred to the Department*  
10 *of Parks and Recreation for expenditure for the exclusive trust*  
11 *purposes described in Section 21190.*

